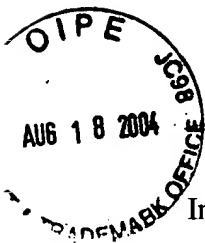


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PATENT APPLICATION

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re application of

Docket No: Q56734

Jong-hee HAN

Appln. No.: 09/440,639

Group Art Unit: 2615

Confirmation No.: 3207

Examiner: ONUAKU, CHRISTOPHER O

Filed: November 16, 1999

For: APPARATUS AND METHOD OF CONTROLLING
PLAYBACK ACCORDING TO PROGRAM RATINGS

SUBMISSION OF APPELLANT'S BRIEF ON APPEAL

MAIL STOP APPEAL BRIEF - PATENTS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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Technology Center 2600

Sir:

Submitted herewith please find an original and two copies of Appellant's Brief on Appeal. A check for the statutory fee of \$330.00 is attached. The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account. A duplicate copy of this paper is attached.

Respectfully submitted,

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WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: August 18, 2004



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APPELLANTS' BRIEF ON APPEAL UNDER 37 C.F.R. § 1.192

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Sir:

In accordance with the provisions of 37 C.F.R. § 1.192, Appellant submits the following:

I. REAL PARTY IN INTEREST

The real party in interest is SAMSUNG ELECTRONICS CO., LTD, by virtue of an assignment executed by Jong-hee Han (Appellant, hereafter), on December 7, 1999, and recorded by the Assignment Branch of the U.S. Patent and Trademark Office on February 7, 2000 (at Reel 010535, Frame 0931).

II. RELATED APPEALS AND INTERFERENCES

To the knowledge and belief of Appellant, the Assignee, and the undersigned, there are no other appeals or interferences before the Board of Appeals and Interferences that will directly affect or be affected by the Board's decision in the instant Appeal.

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APPELLANTS' BRIEF ON APPEAL
UNDER 37 C.F.R. § 1.192
U.S. Appln. No.: 09/440,639

I. STATUS OF CLAIMS

The application was originally filed with claims 1-3. Claims 4 and 5 were added by Preliminary Amendment filed January 21, 2000. Claims 1-5 are all of the claims currently pending in the application.

Claims 1, 2 and 4 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Abecassis (USP 6,553,178).

Claims 3 and 5 stand rejected under 35 U.S.C. § 103 as being unpatentable over Abecassis in view of Yeun et al (USP 6,091,884) and further in view of Choi (USP 5,519,549).

III. STATUS OF AMENDMENTS

Claims 1, 2, 4 and 5 were amended during prosecution of this application. All amendments have been entered.

IV. SUMMARY OF THE INVENTION

The present disclosure relates to a tape player as shown, for example, in Fig. 1, in which playback is controlled according to program ratings. In one embodiment shown in Fig. 2, a user sets a viewable program rating (step 201). A program rating is detected from a video signal to be reproduced (step 202) and is compared to the program rating set by a user (step 203). If the set rating is equal to or higher than the detected rating, a normal playback is executed (step 208). If the set rating is lower than the detected rating, the system controller prevents the video signal from being output to the display unit (step 204) and causes a tape to run at high speed (step 205) until the next program recorded on the tape is reached (step 206), at which time a general playback mode is executed (step 207). Thus, when a program is recorded which has a rating indicating the present user is not authorized to view the program, viewing of the program is blocked and the tape and proceeds and fast forward until the next program is reached.

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V. ISSUES

The issues on appeal are:

- 1) Whether claims 1, 2 and 4 are properly rejected under 35 U.S.C. § 102(e) as being anticipated by Abecassis (USP 6,553,178).
- 2) Whether claims 3 and 5 are properly rejected under 35 U.S.C. § 103 as being unpatentable over Abecassis in view of Yeun et al (USP 6,091,884) and further in view of Choi (USP 5,519,549).

VI. GROUPING OF CLAIMS

For purposes of the present appeal, the rejected claims do not stand or fall together. Specifically, the rejected claims are divided into the following separately patentable groups.

Group 1: Claims 1, 2 and 4

Group 2: 3 and 5

VII. ARGUMENTS

The present disclosure is different from Abecassis at least in that the present disclosure relates to a linear playback system which plays back content in the sequence in which it was recorded on a recording medium such as a VCR tape, while Abecassis relates to a random access video system which can playback video segments regardless of the order on which they are stored in the recording medium.

In rejecting claim 1, the Examiner states that Abecassis discloses, among other things, "a tape speed controller for executing a high speed search mode when the controller generates the first control signal and for executing the general playback mode when the controller generates

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the second control signal (see col. 28, lines 22-55)." (Paper no. 9, page 3, lines 17-20. Additionally, the Examiner interprets "the high speed search mode as the skipping mode" (Paper no. 9, page 4, lines 10-11). Appellant respectfully disagrees with the Examiner's analysis regarding the claimed tape speed controller for executing a high speed search mode.

In more detail, Abecassis selects video content using a random access device. See, for example, the first line of the Abstract, col. 2, line 48, col. 3, line 2, col. 11, lines 22-24, col. 18, lines 33-35 and lines 52-54, col. 19, lines 13-17, line 22, lines 44-49, col. 23, lines 18-20, col. 28, lines 50-55, col. 32, lines 23-28, etc. Abecassis uses the random access memory to organize content selected from sequential and non-sequential segments. On the other hand, the present disclosure uses a tape speed controller to execute a high-speed search mode when a controller generates a first control signal for blocking a video/audio signal. A tape speed controller is much different from a device of Abecassis used to randomly access stored data. Although Abecassis discloses the use of tape, for example, at col. 31, line 18, and col. 34, line 22, Abecassis only discloses using tape for providing material, and not for accessing video content to construct video-on-demand content.

With specific reference to claim 1, Appellant submits that Abecassis does not teach or suggest the claimed tape speed controller for executing a high-speed search mode when the controller generates the first control signal, and for executing the general playback mode when the controller generates the second control signal, as required by claim 1.

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The above arguments were presented in Appellant's Amendment filed August 22, 2003. In subsequent prosecution, the Examiner stated that Abecassis teaches a speed controller (see, e.g., Paper no. 11, numbered paragraph 1; Paper no. 14, numbered paragraph 1). However, the Examiner does not show where or how Abecassis discloses a tape speed controller. Appellant respectfully submits that there is no teaching or disclosure in Abecassis for a tape speed controller for executing a high-speed search mode when the controller generates the first control signal, and for executing the general playback mode when the controller generates the second control signal, as required by claim 1. At least for this reason, Appellant submits that claim 1 is not anticipated by Abecassis.

Additionally, claim 2 is believed to be not anticipated by Abecassis at least because this reference fails to teach or disclose the claimed feature of "stopping output of a video/audio signal and controlling a tape speed controller to execute a high-speed search mode, if the set viewable program rating is lower than the rating of the extracted program rating data, otherwise, executing a normal playback mode", on combination with the other recited elements.

Claim 4 is believed to be not anticipated by Abecassis at least because of this claim's dependence from claim 1.

Claims 3 and 5 are believed to be separately patentable from claims 1, 2 and 4. One reason for this is the feature relating to the video index search system (VISS). In rejecting claims 3 and 5 as being unpatentable over Abecassis in view of Yuen et al and further in view of Choi,

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the Examiner considers that it would have been obvious to have modified Abecassis by realizing Abecassis with a VISS system, as taught by Yuen, in order to facilitate the marking of the beginning and end of recorded signal. In addition, the Examiner asserts it would have been obvious to further modify Yuen by the technique of VISS mark signal by detecting the duty cycle variation of the VISS signal, as taught by Choi.

Appellant submits, however, that the VISS signal is incompatible with the device disclosed by Abecassis. In more detail, Abecassis addresses a random access memory according to a scheme compatible with a random access address method. On the other hand, a VISS system is a Video Index Search System used for indexing a location on a video tape. A VISS system cannot be used with anything other than a video tape. A VISS is not compatible with a random access memory addressing system. Because Abecassis uses a random access memory addressing system, Abecassis cannot be modified to include a VISS system (except for that portion of Abecassis that uses tape to provide material to the system).

In Paper no. 11, the Examiner argues: "The VISS system would be desirable in the Abecassis system, in order, for example, to mark the start of the different segments of the Abecassis system." (Paper no. 11, page 3, lines 7-9.) As noted above, however, the VISS system cannot be used in the Abecassis system.


Appellant submits that at least for this reason, claims 3 and 5 are patentable over the combination of Abecassis, Yeun et al. and Choi.

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The present Brief on Appeal is being filed in triplicate. Unless a check is submitted herewith for the fee required under 37 C.F.R. §1.192(a) and 1.17(c), please charge said fee to Deposit Account No. 19-4880.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

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APPENDIX
U.S. APP. NO. 09/440,639

CLAIMS 1-5 ON APPEAL:

Claim 1. An apparatus for controlling playback according to program ratings, in a video/audio recording/playback controlling apparatus for reproducing signals from a recording medium in which a video signal having program rating data is recorded, the apparatus comprising:

a decoder for decoding the program rating data to generate decoded program rating data;

a controller for generating a first control signal for blocking a video/audio signal if a viewable program rating set by a user is lower than the rating of the decoded program rating data, and for generating a second control signal if a signal indicating a new program is detected; and

a tape speed controller for executing a high-speed search mode when the controller generates the first control signal, and for executing the general playback mode when the controller generates the second control signal.

Claim 2. A method of controlling playback according to program ratings, in a video/audio recording/playback controlling method of reproducing signals from a recording medium in which a video signal having program rating data is recorded, the method comprising the steps of:

(a) extracting program rating data from the video signal reproduced from the recording medium;

(b) comparing a viewable program rating set by a user with the rating of decoded program data extracted in step (a);

(c) stopping output of a video/audio signal and controlling a tape speed controller to execute a high-speed search mode, if the set viewable program rating is lower than the rating of the extracted program rating data, otherwise, executing a normal playback mode;

(d) determining whether a new recorded program has been reached, while the high-speed search mode is being executed; and

(e) converting the high-speed search mode into the normal playback mode if a new recorded program has been reached, and then repeating the steps (a) through (d).

Claim 3. The method of claim 2, wherein the determination in step (d) whether the new recorded program has been reached is made by a determination of whether a video index search system (VISS) signal is detected, made using the duty of a control signal.

Claim 4. The apparatus of claim 1, further including:
a data slicer for extracting only the program rating data from the video signal in a general playback mode and outputting the program rating data to the decoder.

Claim 5. The apparatus of claim 1, wherein the signal indicating the new program is a video index search system (VISS) signal.